

HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No.4171 of 2015

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ORDER :

This criminal petition is filed by the petitioners/A.1 to A.6 under Section 482 Cr.P.C seeking to quash the proceedings in C.C.No.241 of 2015 on the file of the X Additional Metropolitan Magistrate, Secunderabad, registered for the offences punishable under Sections 418, 452, 307, 120-B and 506 read with 34 IPC.

2. Heard the learned counsel for the petitioners as well as the 1st respondent-State represented by the Public Prosecutor before admission and before ordering any notice to respondent Nos.2 and 3 and perused the material on record.

3. At the stage from the order passed by the learned Magistrate taking cognizance under Section 190 Cr.P.C. on the private complaint filed by the de facto complainants-respondent Nos.2 and 3 herein for the offences punishable under Sections 418, 452, 307, 120-B and 506 read with 34 IPC against the accused by allotting C.C.No.241 of 2015 since as per the procedure contemplated under Sections 200 read with 202 Cr.P.C., there is nothing found fault with the Magistrate for not summoning more than one of the de facto complainants when the de facto complainants did not choose to ask to examine any other witnesses either seeking summons to

secure or to issue summons for their appearance; even the offences punishable under Sections 418, 452, 307, 120-B and 506 read with 34 IPC, as a private warrant case. The law is fairly settled in this regard by the Apex Court in **Rosy v. State of Kerala**^[1].

4. Hence, without prejudice to the right of the petitioners in the course of private warrant case procedure enquiry before charges while recording of evidence either choose to cross-examine or to differ cross-examination. Needless to say, if there is no material from the existing material at that stage to frame charges, to seek for discharge invoking Sections 244 to 246 Cr.P.C. Needless to say further that on summons issued by the learned Magistrate and served on the petitioners, they shall appear before the learned Magistrate and execute bonds as contemplated in Sections 88 or 89 Cr.P.C. Further, it is needless to say, thereafter in the event of their filing any application under Rule 37 Cr.P.C., the learned Magistrate shall hear and consider by allowing the same to represent one accused on behalf of all the accused persons.

5. Accordingly, the criminal petition is disposed of.

6. Miscellaneous petitions pending, if any, shall stand dismissed

Dr. B. SIVA SANKARA RAO, J

10th June 2015.

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[\[1\]](#) (2000) 2 SCC 230